

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
---	------------------------------------

This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN)
Bauer et al. v. al Qaeda Islamic Army, et al., 02-cv-7236 (GBD)(SN)

DOROTHEA M. CAPONE, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing Dayna Spordone, one of the *Bauer* Plaintiffs in the above-captioned litigation, and I submit this Declaration in support of the motion for final judgment filed by Ms. Spordone, the claimant identified on Exhibit A attached hereto.

2. The source of my information and the basis for the belief in my statements contained herein are my personal involvement in this matter for the past 17+ years; my firm's representation of the *Bauer* claimant listed in Exhibit A in connection with the September 11th terrorist litigation; direct communications with immediate family members of Milton Bustillo, one of the victims killed in the September 11, 2001 terror attacks on September 11, 2001; discussions with Claimant Dayna Spordone and her mother, *Bauer* Plaintiff Laura Bustillo; and other court records relating to the multi-district litigation to which the *Ashton* and *Bauer* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. Milton Bustillo, the decedent listed in Exhibit A, died in the September 11th terrorist attacks and was survived by his stepdaughter, Dayna Spordone, who is also identified in Exhibit A. The nature of their relationship is detailed with particularity in the accompanying Affidavits attached hereto as Exhibits B and C. As the stepdaughter of the decedent, Dayna

Spordone, falls into one of the categories of “functional equivalents” of immediate family members of the 9/11 victims who now seeks an award for solatium damages under this Court’s prior decisions. I have personally verified their relationship through written documentation and interviews with other immediate family members of the decedent.

4. In support of her request for an award of solatium damages, the claimant Dayna Spordone has also affirmed her relationship as Milton Bustillo’s stepdaughter in an Affidavit attached hereto as Exhibit B.

5. The claimant’s mother’s, Laura Bustillo, the surviving spouse of Milton Bustillo, has similarly affirmed her daughter’s relationship as Milton Bustillo’s stepdaughter in an Affidavit attached hereto as Exhibit C.

6. My firm was retained individually by the Claimant Dayna Spordone to pursue recovery for solatium losses arising out of the death of Milton Bustillo on September 11, 2001. I have verified that she has not recovered for her solatium damages previously, nor does she have any other pending motion before this Court for compensation arising out of the September 11th attacks.

7. I respectfully request that this Court grant the proposed order attached hereto as Exhibit D.

Dated: December 27, 2019
New York, NY

/s/Dorothea M. Capone
Dorothea M. Capone (8582)
Baumeister & Samuels, P.C.
140 Broadway, 46th Floor
New York, NY 10005
Phone: (212) 363-1200